

AMENDED IN ASSEMBLY JULY 8, 1998

AMENDED IN SENATE MAY 20, 1998

AMENDED IN SENATE APRIL 13, 1998

AMENDED IN SENATE MARCH 17, 1998

SENATE BILL

No. 1630

Introduced by Senator Rosenthal

February 12, 1998

An act to amend Section 1569.38 of, and to add Section 1569.61 to, the Health and Safety Code, relating to residential care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1630, as amended, Rosenthal. Residential care facilities for the elderly.

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Under existing law, a violation of any of these provisions is punishable as a misdemeanor.

Existing law requires that every substantiated complaint or substantiated citation against a residential care facility for the elderly be posted by the facility in a conspicuous place within the facility for a period of 6 months.

This bill would instead require each residential care facility for the elderly to place in a conspicuous place copies of all licensing reports issued by the department within the preceding 12 months, and all licensing reports issued by the

department resulting from the most recent annual visit of the department.

Existing law further requires a facility, during the admission process, to inform the designated responsible 3rd party in writing that substantiated complaints and substantiated citations against the facility are posted for 6 months and kept on file for public access and review, and that copies of results of department investigations and surveys of the facility are available from the appropriate district office of the department.

This bill would instead require a facility to inform the resident and the resident's responsible person, as defined, in writing that licensing reports are available for review at the facility, and that copies of licensing reports and other documents pertaining to the facility are available from the appropriate district office.

The bill would also require the department to develop and maintain at each district office a ~~public~~ file for each facility in the district containing—~~information~~ *designated documents* held by the department regarding that facility *to be available immediately upon the request of any consumer*.

Since the violation of the provisions applicable to residential care facilities for the elderly is a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares
- 2 all of the following:
- 3 (1) Residential care facilities for the elderly provide a
- 4 continuum of long-term care services that support the



1 fluctuating social and personal care needs of elderly
2 residents.

3 (2) Many consumers are not familiar with residential
4 care facilities for the elderly.

5 (3) The choice of a residential care facility for the
6 elderly often occurs during a time of great stress. Because
7 the prospective resident may have just suffered a
8 significant medical setback that prevents him or her from
9 living independently, the choice of a facility often must
10 be made within the span of a few days.

11 (4) Consumer knowledge of residential care facilities
12 will be greatly enhanced if the information developed
13 and maintained by the State Department of Social
14 Services is made available to consumers.

15 (b) It is the intent of the Legislature to provide
16 consumers with ready access to the information
17 developed and maintained by the State Department of
18 Social Services regarding residential care facilities for the
19 elderly. *It is further the intent of the Legislature that the*
20 *State Department of Social Services shall make its public*
21 *file on any residential care facility for the elderly available*
22 *for inspection immediately upon the request of any*
23 *person.*

24 SEC. 2. Section 1569.38 of the Health and Safety Code
25 is amended to read:

26 1569.38. ~~(a)~~—Each residential care facility for the
27 elderly shall place in a conspicuous place copies of all
28 licensing reports issued by the department within the
29 preceding 12 months, and all licensing reports issued by
30 the department resulting from the most recent annual
31 visit of the department to the facility. This subdivision
32 shall not apply to any portion of a licensing report
33 referring to a complaint that was found by the
34 department to be unfounded or unsubstantiated. The
35 facility, during the admission process, shall inform the
36 resident and the resident's responsible person in writing
37 that licensing reports are available for review at the
38 facility, and that copies of licensing reports and other
39 documents pertaining to the facility are available from
40 the appropriate district office of the department. The

1 facility shall provide the telephone number and address
2 of the appropriate district office.

3 ~~(b) For purposes of this section, “responsible person”~~
4 ~~means an individual or individuals, including a relative,~~
5 ~~or placement agency, who assists the resident in~~
6 ~~placement or assumes varying degrees of responsibility~~
7 ~~for the well-being of the resident.~~

8 SEC. 3. Section 1569.61 is added to the Health and
9 Safety Code, to read:

10 1569.61. The department shall develop and maintain
11 at each district office a ~~public file for each facility in that~~
12 ~~district, so that upon request a consumer may~~
13 ~~immediately receive all information held by the~~
14 ~~department regarding that facility, except that the names~~
15 ~~of individual residents shall not be disclosed.~~ *file for each*
16 *facility in that district, containing all documents*
17 *regarding the facility that were received or created by*
18 *the department on or after January 1, 1999, and that are*
19 *not confidential under other provisions of law. This file*
20 *shall be available immediately upon the request of any*
21 *consumer who shall have the right to obtain copies of*
22 *documents from the file upon the payment of a*
23 *reasonable charge for the copies.*

24 SEC. 4. No reimbursement is required by this act
25 pursuant to Section 6 of Article XIII B of the California
26 Constitution because the only costs that may be incurred
27 by a local agency or school district will be incurred
28 because this act creates a new crime or infraction,
29 eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section
31 17556 of the Government Code, or changes the definition
32 of a crime within the meaning of Section 6 of Article
33 XIII B of the California Constitution.

34 Notwithstanding Section 17580 of the Government
35 Code, unless otherwise specified, the provisions of this act
36 shall become operative on the same date that the act
37 takes effect pursuant to the California Constitution.